

**VIRGINIA BOARD OF PHARMACY
MINUTES OF REGULATION COMMITTEE MEETING**

November 13, 2008
Second Floor
Conference Center

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

CALL TO ORDER: The meeting was called to order at 10AM.

PRESIDING: David C. Kozera, Chairman

MEMBERS PRESENT: John O. Beckner
Jennifer H. Edwards
Bobby Ison

MEMBERS ABSENT: Leo Ross

STAFF PRESENT: Elizabeth Scott Russell, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Howard M. Casway, Senior Assistant Attorney General
Elaine J. Yeatts, Senior Regulatory Analyst, DHP

PUBLIC COMMENTS: No public comments were given at this time.

**DRAFT REGULATIONS
DEFINING
UNPROFESSIONAL
CONDUCT:** The committee reviewed a previous draft of regulations defining unprofessional conduct that had been prepared by staff and reviewed by the full Board at the September 3, 2008 meeting. The Board had begun editing the draft, but had then referred the matter to the Regulation Committee for additional discussion and comment. Staff had made some edits from the original draft based on discussions at the September meeting. Additionally, staff had sent the revised draft to the Virginia Pharmacists Association (VPhA), Virginia Association of Chain Drug Stores (VACDS), and the Virginia Society Health-Systems Pharmacists (VSHP) and solicited feedback. All three organizations responded that they had no issues with the draft. Tim Musselman with VPhA suggested that the wording in #7 of the draft might be written to ensure that "known" dispensing error meant a dispensing error "known to the licensee". The Committee discussed this wording at length, but considered that it was worded clearly enough, since a pharmacist could not take any action if he did not know about an error.

The committee reviewed the entire draft and made a number of edits with a final document to be presented to the full Board on December 10, 2008. (Attachment 1)

ADJOURN: With all business concluded, the meeting adjourned at noon.

Elizabeth Scott Russell
Executive Director

David C. Kozera, Chairman

Date

DRAFT/UNAPPROVED

BOARD OF PHARMACY
Standards of conduct

18VAC110-20-25. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54.1-3316 of the Code of Virginia:

1. Failing to comply with provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records or related to provision of patient records to another practitioner or to the patient or his personal representative;

2. Willfully or negligently breaching the confidentiality of a patient, unless otherwise required or permitted by applicable law;

3. Failing to maintain confidentiality of information received from the Prescription Monitoring Program, obtaining such information for reasons other than to assist in determining the validity of a prescription to be filled, or misusing information received from the program;

4. Engaging in disruptive or abusive behavior in a pharmacy or other health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient;

5. Engaging or attempting to engage in a relationship with a patient that constitutes a professional boundary violation in which the practitioner uses his professional position to take advantage of the vulnerability of a patient or his family, including but not limited to sexual misconduct with a patient, or other conduct that results or could result in personal gain at the expense of the patient;

6. Failing to maintain adequate safeguards against diversion of controlled substances;

7. Failing to appropriately respond to a known dispensing error in a manner that protects the health and safety of the patient;

8. Delegating a task within the practice of pharmacy to a person who is not adequately trained to perform such a task;

9. Failing by the PIC to ensure that pharmacy interns and pharmacy technicians working in the pharmacy are registered, and that such registration is current;

10. Failing to exercise professional judgment in determining whether a prescription meets requirements of law before dispensing.